

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WILLIAM HOADLEY	:	
	:	CIVIL CASE NO.
v.	:	3:06cv00575(JCH)
	:	
MICHAEL J. ASTRUE, COMM. OF	:	DECEMBER 18, 2007
SOCIAL SECURITY ADMINISTRATION:	:	

RULING RE: PLAINTIFF'S OBJECTION TO MAGISTRATE JUDGE'S
RECOMMENDED RULING

On August 29, 2007, this court (Fitzsimmons, Magistrate Judge), issued a Recommended Ruling on William Hoadley's action to reverse the decision of the Commissioner of Social Security. In her 54 page decision, the Magistrate Judge thoroughly reviewed the record and addressed all of plaintiff's claims. The Magistrate Judge denied the plaintiff's Motion for Order to Reverse the Decision of the Commissioner (Doc. No. 10) and granted defendant's Motion for Order to Affirm the Decision of the Commissioner (Doc. No. 16).

The plaintiff filed a timely Objection (Doc. No. 19) but requested further time to file a Memorandum in Support. On November 16, 2007, the plaintiff filed that Memorandum (Doc. No. 24). The defendant responded on December 12, 2007 (Doc. No. 25).

The court overrules the objections and affirms and adopts the Recommended Ruling. The objections are three: 1) events subsequent to the ALJ's decision of April 5, 2005, require remand or at least a stay pending Social Security Administration's decision on plaintiff's second application; 2) the ALJ improperly disregarded plaintiff's cervical impairments without proper testimony of a vocational expert; and 3) the ALJ (and Magistrate Judge) improperly disregarded mental impairments without testimony

of a vocational expert.

The decision on appeal in this case adjudicated issues only up to its date – April 5, 2005. Entitlement to benefits, the right to which arose after that date, are not at issue in this case. See 42 U.S.C. § 405(g). With regard to the second objection, the ALJ considered medical opinions and reached his conclusion based on them and the absence of evidence. With regard to the third objection, the evidence before the ALJ was scant, and plaintiff had not made a claim of mental problems to Social Security Administration, and those raised were not made before February 2005, less than 12 months before the decision. See 20 C.F.R. §§ 404.1509 and 404.1522(b).

Plaintiff may very well have a claim for disability benefits and may prevail in his pending claim, even obtaining retroactive benefits. However, the issue before this court is whether the ALJ, in his Decision of April 5, 2005, applied the proper legal standard to the record before him, not some record the plaintiff may be able to establish now.

As the Magistrate Judge noted, see Recommended Ruling at 37, the ALJ properly applied the law and analyzed the issues before him. Accordingly, the Recommended Ruling (Doc. No. 18) is affirmed, adopted, and ratified. Judgment shall enter for the defendant and the Clerk is directed to close the case.

SO ORDERED.

Dated at Bridgeport, Connecticut, this 18th day of December, 2007.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge